

**MEMO ENDORSED**



LAW OFFICES OF  
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PLLC

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August 1, 2023

-Via ECF-

Hon. Katherine Polk Failla  
Thurgood Marshall  
United States Courthouse  
40 Foley Square  
New York, NY 10007

**RE:** Request to waive personal appearance at 08.04.23 status conference  
Defendant: Fabiella Spinelli-Torres (Deft. 4)  
*USA v. Cabrera Da Corte, et al.*, 1:22-cr-00437-KPF-4

Dear Judge Polk Failla:

Our office represents defendant Fabiella Spinelli-Torres in the above-referenced matter. She is currently out on bond and has been fully compliant with all conditions set by this Court. A status conference is scheduled here for Friday, August 4, 2023, at 11:00 a.m. We respectfully request that Ms. Spinelli-Torres be excused from appearing personally at the conference or, in the alternative, be permitted to appear via telephone or videoconference.

I have spoken with AUSA T. Josiah Pertz concerning this request and he advised that the government does not object.

Ms. Spinelli-Torres asks for this accommodation due to the fact that she lives in Miami, Florida and the cost of arranging for airfare and lodging will be financially burdensome to her. Further, the status conference will likely involve matters concerning scheduling between the Court and attorneys. As such, it is not necessarily a “substantive” or “critical” pretrial proceeding for which her personal appearance should be required.

Accordingly, we ask that Ms. Spinelli-Torres be excused from appearing personally at the conference or, in the alternative, be permitted to appear via telephone or videoconference.

Thank you for your attention and consideration in this matter.

Hon. Katherine Polk Failla  
USA v. Cabrera Da Corte, et al., 1:22-cr-00437-KPF-4

August 1, 2023

Respectfully Submitted,

/s/ Conor McNamara  
CONOR McNAMARA, ESQ.  
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cc: Counsel of Record (via ECF)

Application GRANTED IN PART. Ms. Spinelli-Torres may not waive her appearance at the conference scheduled for **August 4, 2023**, but her request to participate remotely is GRANTED. The conference shall proceed via videoconference. Instructions for accessing the videoconference will be provided separately.

The parties are advised that Ms. Spinelli-Torres's personal appearance will be required at future proceedings.

The Clerk of Court is directed to terminate the motion at docket entry 78.

Dated: August 1, 2023  
New York, New York

SO ORDERED.



HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE